

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CISCO SYSTEMS, INC. and)	
ACACIA COMMUNICATIONS, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-1365 (GBW)
)	
RAMOT AT TEL AVIV UNIVERSITY LTD.,)	
)	
Defendant.)	
_____)	
CISCO SYSTEMS, INC. and)	
ACACIA COMMUNICATIONS, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-674 (GBW)
)	(CONSOLIDATED)
RAMOT AT TEL AVIV UNIVERSITY LTD.,)	
)	
Defendant.)	
)	

**STIPULATION AND [PROPOSED] ORDER REGARDING PARTIAL STAY AND
CASE SCHEDULING**

WHEREAS in C.A. No. 21-1365, the Court issued its Order on January 19, 2023 granting-in-part and denying-in-part Cisco’s and Acacia’s Motion to Stay Pending *Inter Partes Review* (“IPR”) of U.S. Patent No. 11,133,872 (the “’872 Patent) (C.A. No. 21-1365, D.I. 64, “the Order”));

WHEREAS the Court’s Order denied the stay as to dates contained in paragraphs 1, 2, 3(a), 3(b), 4(a) and 4(b) of the Court’s Scheduling Order (C.A. No. 21-1365, D.I. 59) and granted the stay as to all other dates contained in the Scheduling Order (*see* C.A. No. 21-1365, D.I. 64 at 5);

WHEREAS the Court entered its Order Regarding Consolidation and Case Scheduling (C.A. No. 22-674, D.I. 50) consolidating the Declaratory Judgment Action (C.A. No. 22-674) on

U.S. Patent No. 11,342,998 (the “’998 Patent) and transferred action for patent infringement on the ’998 Patent (C.A. No. 23-12), and making all provisions of the December 13, 2022 Scheduling Order (D.I. 48) entered in C.A. No. 22-674 operative in the consolidated action, but with claim construction deadlines amended to enable the parties to take into account the expected institution decision in IPR2022-01283 on the ’998 Patent;

WHEREAS on February 22, 2023, the Patent Trial and Appeal Board (the “PTAB”) instituted IPR2022-01283 on all claims contained in the ’998 Patent that is the subject of the consolidated C.A. No. 22-674 Action;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the parties, subject to the approval of the Court, that:

1. For the consolidated C.A. No. 22-674 Action, all dates contained in the Court’s December 13, 2022 Scheduling Order (C.A. No. 22-674, D.I. 48), as amended on January 31, 2023 (C.A. No. 22-674, D.I. 50) with respect to the claim construction deadlines, are stayed except as to the dates contained in paragraphs 1, 2, 3(a), 3(b), 4(a) and 4(b);

2. To the extent any asserted claims of the ’872 Patent survive in the PTAB’s final written decision in the ’872 Patent IPRs, the parties will confer to submit a single schedule that includes joint coordinated deadlines for the claim construction proceedings for both the ’872 and ’998 Patents and accounts for any other case items in the ’872 Patent case (C.A. No. 21-1365) stayed per the Court’s Order (*see* C.A. No. 21-1365, D.I. 64 at 5), without waiting for the official outcome of IPR2022-01283; and

3. This agreement does not waive either party’s right to simultaneously seek to continue or oppose continuation of the stay of the case with respect to either patent (e.g., in view of an appeal of a PTAB decision).

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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March 15, 2023

SO ORDERED, this day _____ of _____, 2023.

United States District Judge